



THE 187TH GENERAL COURT OF
THE COMMONWEALTH OF MASSACHUSETTS

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Section 16. (a) If a governmental body duly authorized by general or special law to engage in such transaction determines that it shall rent, convey, or otherwise dispose of real property, the governmental body shall declare the property available for disposition and shall specify the restrictions, if any, that it will place on the subsequent use of the property.

(b) The governmental body shall determine the value of the property through procedures customarily accepted by the appraising profession as valid.

(c) A governmental body shall solicit proposals prior to:

- (1) acquiring by purchase or rental real property or an interest therein from any person at a cost exceeding twenty-five thousand dollars; or
- (2) disposing of, by sale or rental to any person, real property or any interest therein, determined in accordance with paragraph (b) to exceed twenty-five thousand dollars in value.

(d) The governmental body shall place an advertisement inviting the submission of proposals in a newspaper with a circulation in the locality sufficient to inform the people of the affected locality. The governmental body shall publish the advertisement at least once a week for two consecutive weeks. The last publication shall occur at least eight days preceding the day for opening proposals. The advertisement shall specify the geographical area, terms and requirements of the proposed transaction, and the time and place for the submission of proposals. In the case of the acquisition or disposition of more than twenty-five hundred square feet of real property, the governmental body shall also cause such advertisement to be published, at least thirty days before the opening of proposals, in the central register published by the state secretary pursuant to section twenty A of chapter nine.

(e) The governmental body may shorten or waive the advertising requirement if:

- (1) the governmental body determines that an emergency exists and the time required to comply with the requirements would endanger the health or safety of the people or their

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Chapter 2.110 - CITY-OWNED LAND AND BUILDINGS

Sections:

2.110.010 - Disposition of city property.

2.110.010 - Disposition of city property.

This chapter shall apply to the sale, transfer, lease or rental, or exchange of any city-owned property or property rights or interest such as a public easement on private property, collectively called "Disposition of City Property."²⁰ This chapter shall not apply to the transfer of real estate, or any interest therein, to the Affordable Housing Trust for the purposes of construction of low- and moderate-income housing pursuant to M.G.L. c. 40, s. 15A.

The purpose of this chapter is to protect the citizens of Cambridge and to achieve land uses that best serve the City's public purpose.

In addition, when the public purpose is found to be best served by a disposition of City property for a private purpose, the City's objective will be to receive the fair market value for such property, to protect real estate values, and to dispose of each property without favoritism.

No disposition of City property shall be completed unless the above criteria have been satisfied, all requirements of applicable State law have been met, and the following process has taken place:

- A. The City Manager shall be responsible for engaging in a process that will result in a fair analysis of how the greatest public benefit can be obtained from the City property in question.
- B. The City Manager shall prepare a report. The report shall be based on careful consideration of the issues enumerated below. In the course of preparing the report, at least one community meeting shall be held to discuss the issues and community concerns and they shall be addressed in the report. Advance notice of such meetings shall be given to potentially affected persons describing the proposals under consideration. The report shall include the following information:
 1. A description and analysis of the alternative uses for the City property, including an analysis of public benefits and drawbacks and the financial impact of each alternative;
 2. The use of the City property at the time of the recommended disposition and any actual or projected annual revenues or costs associated with such property;
 3. The existing zoning status of the property and other City, State, and federal laws, codes, ordinances and regulations that apply to it at the time of the recommended disposition and that would apply to the various alternative uses analyzed;
 4. Any attempts to rezone the property or to change existing laws, codes, ordinances or regulations or uses with regard to the property that have taken place within the previous five years;
 5. The development potential of the property;
 6. A full description of development plans proposed for the site, including traffic and parking studies and other appropriate analyses of the impact on the neighboring area and the City as a whole;
 7. A review of the financial arrangements being recommended, including two independently prepared impartial appraisals of such property's worth that contain an independent, good faith estimate of such property's worth to the prospective buyer, transferee, or lessee.
- C. The City Manager shall submit the report to the Planning Board and to the City Council and City Clerk for public dissemination. The Planning Board shall hold a public hearing not sooner than two weeks after receipt of the report, and after study, shall submit its recommendation to the City Manager for submission to the City Council.
- D. The City Council shall hold a public hearing within six weeks of receipt of the City Manager's recommendation and the Planning Board report.
- E. At least fourteen days prior to the public hearings by the Planning Board and the City Council, the City Clerk shall post notice of the hearings at various conspicuous locations upon the City property, giving the purpose of the hearing in detail, and shall send this written notice to the owners of property and renters, listed on the annual street list or on the assessor's records, within three hundred feet of the City property.

The City Clerk shall notify civic groups and neighborhood associations who may be affected by or interested in such disposition of City property and shall publish notice of said hearings in newspapers of general circulation within Cambridge at least fourteen days prior to the date of each said hearing.
- F. The disposition of City property shall require a 2/3 vote of the City Council.
- G. For the disposition of city property that is of such little significance that the above described process would be unduly burdensome, the City Manager may request of the City Council a diminution of this process. Approval of such a request shall require a 2/3 vote of the City Council.

(Ord. 1105, 1990)

property; provided, however, that the governmental body shall state the reasons for declaring the emergency in the central register at the earliest opportunity; or

(2) in the case of a proposed acquisition, the governmental body determines in writing that advertising will not benefit the governmental body's interest because of the unique qualities or location of the property needed. The determination shall specify the manner in which the property proposed for acquisition satisfies the unique requirements. The governmental body shall publish the determination and the reasons for the determination, along with the names of the parties having a beneficial interest in the property pursuant to section forty J of chapter seven, the location and size of the property, and the proposed purchase price or rental terms, in the central register not less than thirty days before the governmental body executes a binding agreement to acquire the property.

(f) Proposals shall be opened publicly at the time and place designated in the advertisement. The governmental body shall submit the name of the person selected as party to a real property transaction, and the amount of the transaction, to the state secretary for publication in the central register.

(g) If the governmental body decides to dispose of property at a price less than the value as determined pursuant to paragraph (b), the governmental body shall publish notice of its decision in the central register, explaining the reasons for its decision and disclosing the difference between such value and the price to be received.

(h) This section shall not apply to the rental of residential property to qualified tenants by a housing authority or a community development authority.

(i) Acquisitions or dispositions of real property or any interest therein pursuant to this section between governmental bodies and the federal government, the commonwealth or any of its political subdivisions or another state or political subdivision thereof shall be subject to subsections (a), (b) and (g).

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